

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

ROBERT W MONSTER,

**Plaintiff(s),**

V.

NV NUTRICIA,

Defendant(s).

CASE NO. 2:21-cv-01106-TL

ORDER GRANTING PLAINTIFF  
RELIEF FROM COURT ORDERED  
DEADLINE

This matter is before the Court on Plaintiff's motion for relief from a Court ordered deadline. Dkt. No. 27. On August 17, 2021, Plaintiff Robert W. Monster filed this case against Defendant N.V. Nutricia seeking a declaratory judgment regarding the disposition of the domain name "fortini.com" under the Anti-Cybersquatting Consumer Protection Act (ACPA), 15 U.S.C. § 1114(2)(D), and the Federal Declaratory Judgment Act, 28 U.S.C. § 2201. On April 4, 2022, upon Plaintiff's motion, the Clerk of the Court entered default against Defendant. Dkt. No. 23. On August 30, 2022, the Court ordered Plaintiff to move for default judgement or other relief within thirty (30) days, or by no later than September 29, 2022. Dkt. No. 25. This case has now

1 been pending for more than a year, Defendant has been in default for over eight months, and  
 2 Plaintiff has had six months to move for default judgment.<sup>1</sup>

3 On September 29, 2022, Plaintiff filed a pleading styled as a response to the Court's  
 4 Minute Order, asking the Court to extend the deadline to file default judgment by an additional  
 5 30 days.<sup>2</sup> Dkt. No. 27. Plaintiff states that the Parties are working towards settlement, but  
 6 additional time is needed to finalize the agreement. *Id.* Plaintiff does not provide any details to  
 7 justify the delay, noting only that the "settlement agreement calls for confidentiality." *Id.*  
 8 Plaintiff notes that the Parties intend to file a notice of settlement pursuant to Judge Lin's  
 9 Standing Order in All Civil Cases, unless a settlement agreement is unable to be reached, in  
 10 which case Plaintiff will move for default judgment. *Id.*

11 Plaintiff waited until the Court-ordered deadline to request additional time to pursue  
 12 settlement or move for default. Plaintiff is reminded that all "[m]otions for extensions of time  
 13 shall be filed at least **three (3) business days** in advance of the expiration of the relevant  
 14 deadline." Judge Tana Lin, Standing Order for All Civil Cases, Section II.G (last updated  
 15 Apr. 26, 2022) (emphasis original), <https://www.wawd.uscourts.gov/judges/lin-procedures>.  
 16 Additionally, deadlines remain operational until the Court has ruled on a motion to extend those  
 17 deadlines, and such motions will not be prioritized simply if Parties wait until a deadline is  
 18 imminent before filing a motion to extend. *Id.* Finally, the Court is under no obligation to grant  
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21 <sup>1</sup> Although Plaintiff did not move for entry of default until April 4, 2022, Defendant has technically been in default  
 22 since it missed the February 4, 2022, extended deadline to Answer ordered by the Court at Dkt. No. 19. Further, the  
 23 Court directed Plaintiff to move for default judgment if Defendant failed to note the appearance of replacement  
 24 counsel and show cause for setting aside the entry of default by the April 19, 2022, deadline in its order granting  
 defense council's motion to withdraw at Dkt. No. 24.

<sup>2</sup> The Court directed the Clerk to correct the docket to indicate the pleading was a combined response and motion for  
 extension of time and note the motion on the Court's hearing calendar per LCR 7(d)(2). See Docket Entry on  
 Sept. 30, 2022.

1 relief from missed deadlines and untimely motions may be summarily denied, stricken, or  
2 ignored. *See id.*; *see also* LCR 7(j).

3 Despite Plaintiff's unexplained delay and late filing, the Court finds good cause for an  
4 extension because the additional time might allow the Parties to amicably resolve this case  
5 without the need for further litigation. The Court therefore GRANTS Plaintiff request for  
6 additional time and ORDERS Plaintiff to either file a notice of settlement or move for default  
7 judgment by **no later than October 31, 2022**.

8 Dated this 12th day of October 2022.

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11 Tana Lin  
12 United States District Judge  
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